

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Wolfgang HEIL et al.

Confirmation No.: 7991

Serial No.: 09/757,688

Examiner: L.S. Channavajjala

Filed: January 11, 2001

Group Art Unit: 1615

Title: DROSPIRENONE FOR HORMONE REPLACEMENT THERAPY

**REPLY TO NOTICE OF IMPROPER REQUEST FOR  
CONTINUED EXAMINATION (RCE)**

Commissioner for Patents  
Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action entitled Notice of Improper Request for Continued Examination (RCE), mailed May 25, 2007, applicants respectfully urge that the Notice is in error and should be withdrawn.

The Notice alleges that applicants' request for continued examination (RCE) filed May 21, 2007, was not accompanied by a submission as required by 37 C.F.R. §1.114. Applicants respectfully disagree. Applicants filed an Information Disclosure Statement (IDS) concurrent with the RCE and noted on the RCE form that an IDS was filed therewith. 37 C.F.R. §1.114(c) clearly states that among the submissions acceptable for RCE filing are information disclosure statements. Applicants thus urge that the RCE was properly filed with a proper accompanying submission. Thus, the Notice of Improper Request for Continued Examination (RCE) mailed May 25, 2007, should be withdrawn and rescinded and the application forwarded for prosecution consistent with a proper RCE filing.

A telephone call was placed to Ms. Martino (referenced as a contact at the bottom of the Notice) and the proper filing with a proper IDS submission was explained to her. Despite the clear language in the rule, she disagreed. But she indicated she would check on it and call the undersigned back. Repeated calls to her and voicemails thereafter by the undersigned went unanswered.

Favorable action in view of the above is urgently requested.

No fee is believed to be due with this Reply, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/John A. Sopp/  
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Attorney for Applicants

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Date: June 12, 2007

JAS/cak